

ORIGINAL

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Cynthia Y. Palmer

"Jury Trial Demanded"  
**CV 14 - 4406**  
COMPLAINT

NAME OF PLAINTIFF(S)

Alex Shchegol - President, ASA College

Gloria Longakit

Lesia Willis

NAME OF DEFENDANT(S)

KUNTZ, J.  
AZRACK, M.J.

This action is brought for discrimination in employment pursuant to (check only those that apply):



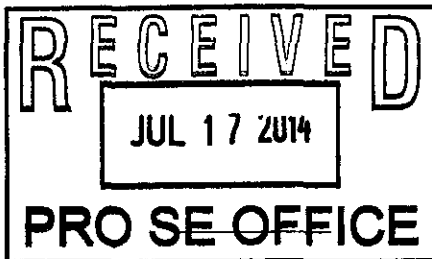
Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

**NOTE:** In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102-166).

**NOTE:** In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117 (amended by the ADA Amendments Act of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 102-166).

**NOTE:** In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

Jurisdiction is specifically conferred upon this United States District Court by the  
aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be  
appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of  
1991, Pub. L. No. 102-166, and any related claims under New York law.

1. Plaintiff resides at: Cynthia Palmer

300 HAYWARD AVE HANCOCK #GR6 MT. VERNON  
Street Address  
Westchester, New York, 10552, 914 297 2938  
County State Zip Code Telephone Number

2. Defendant(s) resides at, or its business is located at: Alex Shchegol

ASA College  
81 Willoughby Street  
Street Address  
Kings, Brooklyn, New York, 11201  
County City State Zip Code

3. The address at which I sought employment or was employed by the defendant(s) is:

ASA College 81 Willoughby Street  
Street Address  
Kings, Brooklyn, New York, 11201  
County City State Zip Code

Longakit AND Willis ARE also at the above address.

4. The discriminatory conduct of which I complain in this action includes  
(check only those that apply).

☐ Failure to hire.

☒ Termination of my employment.

☐ Failure to promote.

☐ Failure to accommodate my disability.

☒ Unequal terms and conditions of my employment.

☒ Retaliation

☒ Other acts (specify): Race, dark skinned, Black, Female

**NOTE:** Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

5. It is my best recollection that the alleged discriminatory acts occurred on:

8/8/2011 - 5/20/2013  
Date(s)

6. I believe that the defendant(s) (check one)

☐ is still committing these acts against me.

☒ is not still committing these acts against me.

7. Defendant(s) discriminated against me based on my:  
(check only those that apply and state the basis for discrimination, for example,  
what is your religion, if religious discrimination is alleged)

☒ race Black ☒ color Dark skinned

☒ gender/sex Female ☐ religion \_\_\_\_\_

☒ national origin United Kingdom / Britain

☐ disability \_\_\_\_\_

☒ age. If age is checked, answer the following:

I was born in 1966. At the time(s) defendant(s) discriminated against me,  
Year

I was ☒ more ☐ less than 40 years old. (check one).

**NOTE:** Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

8. The facts of my case are as follows:

Of those in a similar occupation, rank and title (Chairperson)  
directing a department, I was discriminated against based  
on race (Black), sex (female), age (47 at the time), and  
color (dark-skinned), managing a department that serviced  
all student degree and certificate granting programs  
by being given less pay and no full-time administrative  
assistance, i.e. Deputy Chairpersons and department  
secretary. Despite having a Masters' degree  
in Library Science, from Pratt Institute, initial certificate  
(Attach additional sheets as necessary) see attached

**NOTE:** As additional support for your claim, you may attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights, or the New York City Commission on Human Rights.

9. It is my best recollection that I filed a charge with the New York State Division of Human Rights or the New York City Commission on Human Rights regarding defendant's alleged discriminatory conduct on: \_\_\_\_\_  
Date

10. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: 10/25/13  
Date

Cynthia Y. Palmer, Plaintiff

continuation of complaint section number 8,  
page 4.

CLMS (Certified Library Media Specialist) from  
New York State Education Department 7-12<sup>th</sup> secondary  
grades) about nine years of managerial experience  
(including above position as Chairperson), and  
24 completed credits (as of May 2013) towards a  
Doctorate degree from St. John Fisher College via  
the College of New Rochelle in Westchester, NY.

I was the only Chairperson performing administrative  
duties for lower salary, with less assistance and  
less resources, such as: only Chairperson required  
to go back and forth from campus to campus due to  
not having a Deputy Chairperson, nor a full-time  
administrative assistant (secretary) without due  
compensation. Without a separate department on the  
Manhattan campus my department faculty and me  
were forced to share workspace within the Division  
of Arts and Sciences.

**Only litigants alleging age discrimination must answer Question #11.**

11. Since filing my charge of age discrimination with the Equal Employment Opportunity

Commission regarding defendant's alleged discriminatory conduct (*check one*):

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

12. The Equal Employment Opportunity Commission (*check one*):

☒

has not issued a Right to Sue letter.

has issued a Right to Sue letter, which I  
received on 4/19/14

Date

**NOTE:** Attach a copy of the Right to Sue Letter from the Equal Employment Opportunity Commission to this complaint.

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, pre-judgment interest, costs, and attorney's fees.

  
PLAINTIFF'S SIGNATURE

Dated: 7/17/14

300 HAYWARD Ave HANCOCK #6RC  
Address  
MT. VERNON, New York 10552  
914 297 2938  
Phone Number

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

EEOC Form 161 (11/09)

## DISMISSAL AND NOTICE OF RIGHTS

To: **Cynthia Palmer**  
**300 Hayward Avenue**  
**Grc**  
**Mount Vernon, NY 10552**

From: **New York District Office**  
**33 Whitehall Street**  
**5th Floor**  
**New York, NY 10004**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**520-2014-00244**

**Thomas Perez,**  
**Investigator**

**(212) 336-3778****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)

*Kevin J. Berry*  
**Kevin J. Berry,**  
**District Director**

4-15-14

(Date Mailed)

cc:

**Alex Shchego**  
**Director of Human Resources**  
**ASA COLLEGE**  
**81 Willoughby Street**  
**Brooklyn, NY 11201**

*Received*  
*4/19/14*  
*exp*